

CONWAY PLANNING BOARD

MINUTES

JULY 28, 2016

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CONWAY PLANNING BOARD

MINUTES

JULY 28, 2016

A meeting of the Conway Planning Board was held on Thursday, July 28, 2016 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Vice Chair, Steven Hartmann; Secretary, Kevin Flanagan; Michael Fougere; Raymond Shakir; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Flanagan made a motion, seconded by Mr. Fougere, to approve the Minutes of July 14, 2016 as written. Motion unanimously carried.

1657 NORTH CONWAY LLC/FRIENDLY'S RESTAURANT (FILE #FR16-06) – FULL SITE PLAN REVIEW (PID 235-87)

David Fenstermacher of Vanasse Hangen Brustlin Inc and David Hauser of Friendly's Restaurants appeared before the Board. This is an application to install an interactive menu-board with speakers, construct a drive-up window and associated uses, and associated infrastructure at 1657 White Mountain Highway, North Conway (PID 235-87).

Mr. Fenstermacher stated they will be providing access management by having one-way in and one-way out, there will be a bypass lane around the stacking lane for the window, and with the loss of 19 parking spaces there will be a parking lot expansion which will result in a total of 64 parking spaces. **Mr. Porter made a motion, seconded by Mr. Fougere, to accept the application of 1657 North Conway, LLC/Friendly's Restaurants for a Full Site Plan review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Fougere stated it seems the Friendly's parking lot always has a water problem, will that be resolved. Mr. Irving stated revised drainage plans have been submitted. Mr. Fenstermacher stated they have added pretreatment measures to a new infiltration system. Mr. Flanagan asked if the building elevations were staying the same. Mr. Hauser answered in the affirmative and stated there would be a bump out for the pickup window.

Mr. Drinkhall asked for public comment; there was none. Mr. Irving asked if they are proposing to replace the light that is being moved with a conforming light fixture. Mr. Fenstermacher stated when it was installed the light was compliant; it would be the same light as now and it predates the IDA certification. Mr. Irving stated the Town requires anything that is not compliant with the standards to be brought into compliance or request a waiver. Mr. Irving stated the one light moving needs to comply and the Board might entertain a waiver for the remaining lights.

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Mr. Irving stated we still need a site lighting computation formula on the plan to show that it meets the standards; the abutter locations need to be indicated on the plan; and the plans need to demonstrate compliance with the tree and landscaping requirements.

Mr. Irving asked if there will be seasonal outdoor seating; and if so, are they included in the parking computations. Mr. Fenstermacher stated the outdoor seats were not included in the parking computations. Mr. Irving stated if proposed within the front buffer a waiver will be required. The Board agreed that architectural elevations need to be included in the plan set.

Mr. Fenstermacher read the waiver requests for §123-20.G and §123-20.F/§131-67.C.8.f. **Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waivers for §123-20.G & §123-20.F/§131-67.C.8.f.** Mr. Drinkhall asked for Board comment; Mr. Shakir asked what currently exists on the property to the north of this site. Mr. Irving answered the Robert Frost School; however, there is a significant retail development that has been conditionally approved for that site.

Mr. Shakir stated a connecting drive might not affect the property to the north parking wise, but it might with this site. Mr. Irving stated the proposed connecting drive on the site plan for the site to the north is at the back of the property and would require a long driveway on this site; and there is pedestrian access with the sidewalk. **Motion unanimously carried.**

Mr. Porter made a motion, seconded by Mr. Hartmann, to continue the Full Site Plan Review for 1657 North Conway, LLC/Friendly's Restaurants until August 25, 2016. Motion unanimously carried.

**JOURNEY CHURCH OF THE CHRISTIAN AND MISSIONARY ALLIANCE AND
STEPHEN AND OLGA MORRILL/BRUCE DAVID MORRILL/BRADFORD AND
MARGARET MORRILL/GARY AND CAROLINE FOLLMER (FILE #S16-09) –
BOUNDARY LINE ADJUSTMENT REVIEW (PID 261-46 & 52)**

Josh McAllister of HEB Engineers appeared before the Board. This is an application to convey 2.09 acres from PID 261-46 (Journey Church) to PID 261-52 (Morrill/Follmer). Mr. McAllister stated there is a deed restriction that allows a future access for a town standard road; goal of the project is to take the deeded restriction define it on the ground and convey that land to the Morrill's.

Mr. Hartmann made a motion, seconded by Mr. Flanagan, to accept the application of Journey Church of the Christian and Missionary Alliance and Stephen and Olga Morrill/Bruce David Morrill/Bradford and Margaret Morrill/Gary and Caroline Follmer for a Boundary Line Adjustment Review as complete. Motion unanimously carried.

Mr. Irving stated it is his understanding that the applicant is seeking a continuance, as well as the site plan application, to the August 11th Planning Board meeting. Mr. McAllister agreed and stated they will be submitting revised plans tomorrow. Mr. Drinkhall asked for Board comment; there was none.

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Mr. Drinkhall asked for public comment; Tracy McCarthy stated she is interested in the subdivision and where that fits in. Mr. McAllister stated the land with the current logging access would be conveyed to the Morrill property to the rear; the new boundary would be approximately 30-feet to the right of the current logging access.

Ms. McCarthy asked if there is anything else in that strip. Mr. McAllister stated there is a wetland, an intermittent stream that is less than three acres on the Morrill property and not the Journey Church property. Mr. Irving stated currently there is no subdivision approved nor is there is no road designed, submitted and reviewed or approved on the Morrill property; it is a temporary logging access only. Ms. McCarthy stated it is a very large access road. Mr. Irving stated the access is currently under State authority, and is not compliant with Town standards.

Mr. Hartmann made a motion, seconded by Mr. Shakir, to continue the Boundary Line Adjustment Review for Journey Church of the Christian and Missionary Alliance and Stephen and Olga Morrill/Bruce David Morrill/Bradford and Margaret Morrill/Gary and Caroline Follmer until August 11, 2016. Motion unanimously carried.

JOURNEY CHURCH OF THE CHRISTIAN AND MISSIONARY ALLIANCE (FILE #FR16-03) – FULL SITE PLAN REVIEW CONTINUED (PID 261-46)

Josh McAllister of HEB Engineers appeared before the Board. This is an application to construct a 28,702 square foot/559-seat Church and associated infrastructure on East Main Street and Hutchins Drive, Conway (PID 261-46). This application was accepted as complete on April 28, 2016. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none.

Mr. Shakir made a motion, seconded by Mr. Flanagan, to continue the Full Site Plan Review for Journey Church of the Christian and Missionary Alliance until August 11, 2016. Motion unanimously carried.

OTHER BUSINESS

Katherine Brassill/Adventure Suites (PID 202-14) - §123-4.A.4 (File #NA16-06): Tom Hanley appeared before the Board. Alan Doucet was in attendance. This is a request to allow a 1,600 ~~1,200~~ square foot second floor expansion of Adventure Suites at 3440 White Mountain Highway, North Conway (PID 202-14).

Tom Hanley appeared before the Board. Mr. Hanley stated he was contacted by the owner to expand the office, kitchen and bathroom area; the proposal is to take that area and put it on second floor. Mr. Hanley stated this would not affect parking, would not change the footprint, and would not change the greenspace; it is on an existing area.

Mr. Irving stated they are not proposing any substantial changes, but since it is over 100 square feet he cannot grant it administratively. Mr. Irving stated the front façade is not changing, but there will be a slight change in the roof line.

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Mr. Porter asked if Mr. Irving would grant this request. Mr. Irving stated he would if he could as you will likely not see it. Mr. Hanley stated the roof line will blend in. Mr. Fougere asked if the bathroom would be made handicap accessible. Mr. Irving stated the building inspector will require if it is necessary. Mr. Hartmann asked if the roof line change would be the whole length of the building. Mr. Hanley stated just in the middle. Mr. Drinkhall asked for public comment; there was none

Mr. Porter made a motion, seconded by Mr. Flanagan, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the 1,600 square foot second floor expansion of Adventure Suites is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion carried with Mr. Hartmann voting in the negative.

PUBLIC HEARING – §123 – SITE PLAN REVIEW REGULATIONS

§123-8, Fees: This is a public hearing to amend §123-8 Fees. Mr. Drinkhall opened the public hearing at 7:43 pm. Mr. Irving reviewed the proposed amendments. Mr. Drinkhall asked for Board comment; Mr. Flanagan stated he likes the \$100 engineering review fee. Mr. Irving stated these fees were recommended by the Board of Selectmen.

Mr. Fougere asked if there is a minimum on time for the site inspection fee. Mr. Irving answered in the negative and stated we will treat them reasonably. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:47 pm. **Mr. Flanagan made a motion, seconded by Mr. Fougere, to adopt the amendments to §123-8 Fees as written. Motion carried with Mr. Shakir voting in the negative.**

§123-26, Lighting: This is a public hearing to amend §123-26, Lighting. Mr. Drinkhall opened the public hearing at 7:48 pm. Mr. Irving reviewed the proposed amendment. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:49 pm.

Mr. Shakir made a motion, seconded by Mr. Flanagan, to adopt the amendments to §123-26 Lighting as written. Motion unanimously carried.

PUBLIC HEARING – §131 – SUBDIVISION REVIEW REGULATIONS

§131-13, Fees and Costs: This is a public hearing to amend §131-13, Fees and Costs. Mr. Drinkhall opened the public hearing at 7:50 pm. Mr. Irving reviewed the proposed amendment. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:51 pm. **Mr. Hartmann made a motion, seconded by Mr. Fougere, to adopt the amendments to §131-13, Fees and Costs as written. Motion carried with Mr. Shakir voting in the negative.**

**Adopted: August 11, 2016 – As Written
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§131-32, Nonconforming adjourning lots: This is a public hearing to amend §131-32, Nonconforming adjourning lots. Mr. Drinkhall opened the public hearing at 7:51 pm. Mr. Irving reviewed the proposed amendment. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:52 pm. **Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to adopt the amendments to §131-32, Nonconforming adjourning lots. Motion carried unanimously.**

§131-67.A.(7), Pavement: This is a public hearing to amend §131-67.A.(7), Pavement. Mr. Drinkhall opened the public hearing at 7:52 pm. Mr. Irving reviewed the proposed amendment. Mr. Drinkhall asked for Board comment; Mr. Flanagan asked how the two years was determined. Mr. Irving answered at the recommendation of the Town Engineer and stated after two years it starts to wear and would likely have to be redone if longer than two years. Mr. Flanagan asked if the Town holds bonding. Mr. Irving answered in the affirmative.

Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:54 pm. **Mr. Drinkhall made a motion, seconded by Mr. Shakir, to adopted the amendments to §131-67.A.(7), Pavement. Motion unanimously carried.**

OTHER BUSINESS CONTINUED

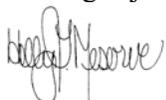
Alternate Member: Thomas Smith appeared before the Board. Mr. Irving read the attached letter from Mr. Smith requesting to be an alternate. Mr. Drinkhall asked for Board comment; there was none. **Mr. Fougere made a motion, seconded by Mr. Porter, to appoint Thomas Smith for one year, ending in 2017, as an alternate to the Planning Board. Motion unanimously carried.**

Conway Village Roundabout: Mr. Shakir stated it is common knowledge where the bottle neck in this town is, and there is a proposal for traffic circle [Conway Village between Pleasant Street/Washington Street Intersection and Main Street/White Mountain Highway Intersection]; has there been any movement in that direction to fix that situation. Mr. Porter stated this has been discussed with the Board of Selectmen and is currently in the hands of the NHDOT and Town Engineer, Paul DegliAngeli.

Conway Hospitality/Former Fandangle's Site (PID 246-42) File #FR14-06: Mr. Drinkhall asked if there has been any movement on this project. Mr. Irving stated he has not received any new submissions.

Historic Commission: Mr. Porter stated the Board of Selectmen has appointed volunteers to a Historic Commission. Mr. Porter stated the BOS still needs to determine the set up and how to appoint a BOS representative and a Planning Board representative. Mr. Fougere stated when the time comes he would be interested.

Meeting adjourned at 8:00 pm. Respectfully submitted,



Holly L. Meserve, Recording Secretary

123-8. Fees. In accordance with RSA 676:4,I(g) and RSA 674:44,V, the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application:

- A. An application for a Minor Site Plan Review shall not be considered complete unless it includes a filing fee of ~~one hundred and seventy five~~ two hundred dollars (~~\$175~~ 200).
- B. An application for a Full Site Plan Review shall not be considered complete unless it includes a filing fee of two hundred dollars (\$200) and ~~thirty~~ forty dollars (~~\$30~~ 40) per new motel/hotel/transient room/suite and forty dollars (\$40) per new multi-family dwelling unit and/or ~~\$0.06-0.10~~ per gross square foot of any other new non-residential floor space. The applicant shall also submit a recording fee of ~~thirty~~ forty dollars (~~\$30~~ 40) per plan sheet to be recorded and ~~fifteen~~ twenty dollars (~~\$15~~ 20) for each 8.5" by 11" page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be ~~five~~ ten dollars (~~\$5~~ 10) per abutter (or any other party notified) and ~~thirty~~ forty dollars (~~\$30~~ 40) for the published notice.
- D. A tax Map amendment fee of ~~fifty~~ seventy-five dollars (~~\$50~~ 75) shall be assessed for each plan sheet to be used to amend the Town's Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of ~~eighty-five~~ one hundred dollars (~~\$85~~ 100) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §123-8.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town's adopted standards the applicant will be charged an additional fee of ~~thirty-five~~ sixty dollars (~~\$35~~ 60) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan scanning fee of ten (\$10) per sheet shall be assessed to facilitate digitizing the final approved plans.
- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.
- J. A site inspection fee of sixty dollars (\$60) per hour shall be assessed to facilitate progress and final inspections. Said fee to be paid by the applicant prior to final release of surety or a final Certificate of Occupancy.

123-26. Lighting. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

1. Outdoor lighting fixtures shall not be mounted higher than twenty-five (25) feet;
2. Individual light fixtures (or the sum for clusters of fixtures supported on a single pole) shall not exceed 40,000 lumens. As an incentive to promote the use of energy efficient Light Emitting Diode (LED) fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the maximum illuminance of individual light fixtures (or the sum for clusters of fixtures supported on a single pole) may be increased by twenty-five percent (25%) and shall not exceed 50,000 lumens;
3. The total initial site lumens of all site lighting systems shall not exceed four (4) lumens per square foot of disturbed area. As an incentive to promote the use of energy efficient LED fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the total initial site lumens of all site lighting systems may be increased by ten percent (10%) and shall not exceed 4.4 lumens per square foot of disturbed area;
4. Site lighting shall not trespass beyond property lines; luminance along property lines shall be measured within six (6) feet of finish grade along the property line;
5. All lighting fixtures shall be listed as approved by the International Dark Sky Association (IDA), fully shielded and installed per manufacturer's specifications. Fixtures that have the same specifications as an IDA approved equivalent may be substituted to satisfy this requirement;
6. The Board may reduce the permitted heights to reduce or eliminate undue adverse impacts.

131-13. Fees and costs.

- A. An application for a subdivision shall not be considered complete unless it includes a filing fee of ~~one hundred and forty two~~ two hundred dollars (~~\$140 200~~), plus ~~thirty forty~~ thirty dollars (~~\$30 40~~) per lot over four (4) and ~~thirty forty~~ thirty dollars (~~\$30 40~~) per unit over one (1); The applicant shall also submit a recording fee of ~~thirty forty~~ thirty dollars (~~\$30 40~~) per plan sheet to be recorded and ~~fifteen twenty~~ fifteen dollars (~~\$15 20~~) for each 8.5” by 11” page to be recorded.
- B. An Application for a boundary line adjustment shall not be considered complete unless it includes a filing fee of ~~seventy one~~ seventy hundred dollars (~~\$70 100~~). The applicant shall also submit a recording fee of ~~thirty forty~~ thirty dollars (~~\$30 40~~) per plan sheet to be recorded and ~~fifteen twenty~~ fifteen dollars (~~\$15 20~~) for each 8.5” by 11” page to be recorded.
- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be ~~five ten~~ five dollars (~~\$5 10~~) per abutter (or any other party notified) and ~~thirty forty~~ thirty dollars (~~\$30 40~~) for the published notice.
- D. A tax Map amendment fee of ~~fifty seventy-five~~ fifty dollars (~~\$50 75~~) shall be assessed for each plan sheet to be used to amend the Town’s Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of ~~eighty five~~ one hundred dollars (~~\$85 100~~) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §131-13.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town’s adopted standards the applicant will be charged an additional fee of ~~thirty five~~ sixty dollars (~~\$35 60~~) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan scanning fee of ten dollars (\$10) per sheet shall be assessed to facilitate digitizing the final approved plans.
- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.
- J. A site inspection fee of sixty dollars (\$60) per hour shall be assessed to facilitate progress and final inspections. Said fee to be paid by the applicant prior to final release of surety or a final Certificate of Occupancy.

131-32. ~~Nonconforming adjoining lots.~~ Repealed.

~~Nonconforming adjoining lots of record, which become the property of one (1) lot person after January 21, 1982, shall be considered a single lot.~~

§131-67.A.(7) Pavement

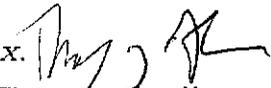
- a. **Binder Course** - A 2 to 3-inch lift of pavement (see details 1A and 1B) meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401.
- b. **Wearing Course** - A 1 to 1 1/2-inch lift of pavement (see details 1A and 1B) meeting New Hampshire Standard Specifications for Road and Bridge Construction, Division 400, Section 401.
- c. **Pavement** shall not be installed when the outside air temperature is below 40 degrees Fahrenheit, nor when the road base temperature is below 40 degrees Fahrenheit. Temperature of pavement mix relative to road base temperature when spread shall be in accordance with Table #3. Pavement shall not fall below 185 degrees Fahrenheit prior to the completion of rolling. Pavement shall not be installed when the subgrade is frozen or the grades are incorrect. On newly constructed roads, the base course and the wearing course shall not be installed in the same season.
- d. The wearing course must be installed within two (2) calendar years of the installation of the base course.

1/28/16

Dear Chairman and Planning board members,

I would like to be appointed as an alternate planning board member. I have been a life-long resident of Conway, have 2 children that I am raising in our town and am a registered voter.

Thank you for your time and consideration,


Thomas Smith